

Watson Park Community Meeting on Status of Park Soil Sampling

Wednesday, June 29, 2005
Empire Gardens Elementary School

Meeting Notesⁱ

DRAFT

In attendance: Carlos Acosta (Empire Gardens School Principal), Demetria Adams (CSJ), Anastacia Alosa, Jose Alvanag, Pedro Alvarado, Aurelia Ann, Albert Balagso (CSJ), Frank Barnard, Lucila Barocio, Ruben Benavidas, Virginia Benavidas, Jose Benitez, Ed Berger, Brenna Broadnax, Debbie Bybee (CSJ), Jureitino Castorena, Iocruz Cruz, Roberto Cruz, Claudia de la Paz, Julian Delato, Eliseo Delfin, H. Dillon, Domingo Fausto, Jesús Flores, Napp Fukuda (CSJ), Gloria Galloway, Rebecca Gleason, Rigoberto Gneri, Guilleirimo Guzman, Chuck Hagenmeier, Kip Harkness (CMO), Wallace Jackson, Ken Keating, Diana King, Patricia Lacuzong, Florencio Locquino, Gilberto Lopez, Nelson Lopez, Mariano Lugo, Domingo M., Vince Macri, Jose Marquez, Juan Martinez, Helen Masuela, Tom Masuela, Fran McVey (CSJ), Margaret Medina, Jose Melgar, Seberino Montero, Isael Munoz, Kathryn Nicol, Jonathan Noble (CD3), Cathy Novello, Tanya Novello, Gonzalo Ochoa, Isabel Ochoa, Suzanne Oliver (CD3), Paul Pereira (CSJ), Manny Perez, James Pollifadine, Nat Robinson, Art Rocco, Vera Rocco, Joe Rodriguez, Julie Romeo, Roberto Romero, Cynthia Rose, Michelle Rose, Neil Rufino, Jose Ruiz, Jose Ruiz, Gurant Sangha, Sonja Shurr (SJUSD), Ty Williams (SJUSD)

Contacts regarding Watson Park:

Community Gardens questions	-	Manny Perez	-	277.5208
General Parks & Recreation questions	-	Ed Bautista	-	277.2466
Assistant Director, Parks & Recreation	-	Albert Balagso	-	277.4768
Strong Neighborhoods Initiative, copies of report	-	Debbie Bybee	-	277.3610
Vice Mayor Cindy Chavez's Office	-	Jonathan Noble	-	277.5231

Website to download report, obtain information (bottom right on webpage): www.sanjoseca.gov/prns

Important Dates:

Saturday, July 9th, 9 – 11 AM – Last opportunity to remove personal items from community garden
Wednesday, July 20th, time and location yet to be determined – community garden meeting

Introductions

Jonathan Noble, Chief of Staff for Vice Mayor Cindy Chavez, thanked everyone for attending the meeting and began the evening with an overview of the events that led to the community meeting. Albert Balagso, Assistant Director of Parks, Recreation, and Neighborhood Services, and Napp Fukuda, Associate Engineer for the Environmental Services Department, provided an overview of the soil sampling and studies undertaken at Watson Park.

BACKGROUND

On May 2004, construction began on the Watson Skatepark. In June 2004, soil excavation uncovered burned refuse, and subsequent testing revealed various levels of soil contaminants (arsenic and lead). Consequently, construction was suspended and the site was covered with clean soil and gravel. In order to advise the community of the project's status, a community meeting was held in September 2004 to advise the community of the ultimate suspension of the project.

Discovery of the burned refuse and the levels of contaminants in the soil indicated that the City should do further testing. As a result, Lowney Associates was contracted in January 2005 to: 1) complete a site history, 2) conduct surface soil quality evaluation, and 3) prepare a screening level health risk appraisal.

The site history revealed that the site operated as a landfill and garbage burn site from 1900 to 1930, then served as either vacant land and/or agricultural lands until becoming a City park approximately 40 years ago. Since records on landfills in early years are not well kept and many current regulations were not in place at the time, the site was not listed in the solid waste landfill sites database. ESD has since reported the site to the Local Enforcement Agency and is now included in the State's database. The second round of testing found additional areas of the park with elevated levels of soil contaminants. The screening level health risk appraisal indicated no immediate human health risk to park visitors.

A community meeting was held on May 25th to inform the community of the results and to enact the following precautions in and around the sites of concern: 1) the community gardens activities were suspended pending further testing for contaminants and assessing the clean cap between the surface and refuse, 2) a fence was erected around the soccer field at Jackson and 22nd Streets while turf renovation was being conducted, will remain up until further testing and proper mitigations are identified.

The following additional decisions were made to: 1) do further testing in the community gardens, play lots, dog park, and tree bank, 2) allow the gardeners to water at prescribed supervised times pending further results, report back to the community in August, and 3) begin the process to secure a consultant to conduct a comprehensive study that will provide a full characterization of the entire site (define the extent of the burn areas and landfill, and contaminants and health risk assessment).

The analysis of additional soil testing performed by Lowney Associates in May is not complete; however, based on early readings, the City of San Jose has concerns with the amount of lead at the playground and in the community gardens. As a result of these preliminary findings, staff is recommending indefinite suspension of activities in the community gardens, closure of the play lots, and completion of plans to conduct a full characterization of the site.

Additional questions were asked and responded to during the meeting. The following is a summary of those questions and the answers provided.

Questions and Answers, summarized:

Were tests done in the children's science garden plots at Empire Gardens School?

San Jose Unified School District tested the grounds of the Empire Gardens School some time ago when the school was rebuilt and the levels detected by them were not higher than the standards they used. However, given what has been learned about the rest of the park, the school district has decided to halt any gardening on the school grounds.

Has drinking water at the school been tested?

Two separate studies have been conducted. The City of San José study tested within the park site. San Jose Unified tested the Empire Gardens site prior to rebuilding the school. Drinking water was not tested in either study. The drinking water for the area comes from the municipal water supply, and is pressurized to help ensure that leaching into the water supply does not occur.

Has the dog park been tested?

The dog park is being tested as a part of the next immediate testing. The results are due out in late July or early August.

How many data points do you have?

22 different sites were tested.

Was asbestos found?

No. No levels of asbestos were detected.

How can a private property owner get their soil tested?

If the surface soil looks like it has materials in it that are visible, such as broken glass and what appears to be old household refuse, concerned homeowners can have their soil privately tested at a local lab. Testing for arsenic and lead in the soil is usually less than \$50. A nearby lab such as Sequoia Analytical Lab in Morgan Hill would be able to test soil for private property owners. Sequoia Analytical Lab is located at 885 Jarvis Ave in Morgan Hill and can be contacted by phone at 408.776.9600.

What are PCBs?

PCB is an acronym for Polychlorinated Biphenyls. PCBs were used primarily as coolant in transistors and transformers on older utility poles. The man made chemical is not naturally occurring and its production and use is currently banned in the United States.

As testing is done, do the results detect more contamination?

Yes. Deeper testing has shown greater concentrations of contamination. The City does not know how deep some areas are contaminated, which is why they need to continue to study the site in various stages and tests.

Frank Barnard, a representative of the 13th Street Neighborhood Advisory Committee (NAC) and representing the NAC, stated that the community has known about some sort of contamination at the park site for about a year now. Speaking for the NAC, Frank also stated that the NAC is concerned about the length of Request for Qualifications (RFQ) process to determine the full extent of the soil contamination. The NAC and community would like to see the RFQ process sped up as much as possible, and, if possible, have the RFQ process to determine the extent of the contamination run parallel with the RFQ process to clean up the soil. The main objective is should be to avoid a lengthy time that the park is shut down.

The Environmental Services Division and Parks, Recreation, and Neighborhood Services is currently working on a scope for the RFQ and examining the timeline for both the determination of the extent of soil contamination and the clean up of the site. The City may be able to work with the State of California Department of Toxic Substance Control (DTSC) to look at remediation portions of the park while other portions are still being tested.

Who should the community talk to about requesting that additional funding be allocated to ensuring that the park is cleaned up quickly and safely?

Community members can contact Albert Balagso, Assistant Director with the Department of Parks, Recreation, and Neighborhood Services, at 277.4768.

Will step two testing go beyond the park site/ boundary? Will it include private properties if necessary?

The City doesn't know that answer yet. If the Step Two testing shows that the dump site extends beyond the park boundary, we will have to work with the property owners to determine how to proceed. Communication will be maintained through the Northside website, the Parks and Recreation website, and at the monthly Northside Neighborhood Association and Strong Neighborhoods Initiative meetings.

The San Jose Mercury News article that came out several weeks ago mentioned a lead level detected at 3400 parts per million (ppm). 150 parts per million is considered normal. What was the 3400 ppm in reference to?

3400 ppm was the amount of lead detected in the skatepark soil as it was excavated at certain depths. It does not represent surface soil tests. The soil in that area has since been removed and replaced with clean soil.

What was the level of lead found in the gardens? What about the PCBs? Will ground water be tested?

The levels in the community gardens were detected at lead levels of about 300 ppm. The naturally occurring level for this area is about 150 ppm. PCBs were detected at depths of about two feet. Ground water has not been tested yet. Most people are on a line hooked up with the municipal water system. This system is pressurized so that it's highly unlikely that any leaching into the water supply can happen.

Will any testing be done at other community gardens throughout the City?

The City is looking at older garden plots and will likely be testing them in the future, particularly those that are located along creeks and waterways that may have been informal dump sites in the past.

How do you correct a problem like this?

The standard steps are to study the soil to determine the extent of the former dump site, then work with the State Department of Toxic Substance Control (DTSC) to plan remediation for the site, then follow through on the site clean up. It may be necessary to remove soil in some locations and bring in new soil.

Has anyone become sick or died from eating crops out of the garden? Is there history of anyone becoming sick? If the City knew this, why did they let the gardeners grow food there?

The City just found out about the contamination. That's why the community meetings have been set up. As soon as the results are becoming known to the City, we are working to set up community meetings to pass along the information.

Will you notify former gardeners, former students, and people who have used the park in the past?

The City can look at past records to notify the community gardeners who used the plots before. The school district will likely be contacting their former students. The community is being advised through the community meetings and press releases to the media.

How long has the community garden been used?

One of the two community gardens has been used for almost thirty years.

Will signage go up to let park users know what is going on?

Two types of signs will be going up throughout the park. The first set of signs will be placed at locations where contaminants were detected above naturally occurring levels advising the community of what was found. Additional signs will be placed in the parking lot areas as a general advisory stating what is occurring in the park and advising the community on what steps are being taken. All signage will be in English and Spanish.

Why haven't health issues regarding the uptake of lead in the gardens been addressed? Why haven't kids at the school and gardeners and their families been tested for lead in their blood?

The main concern is to err on the side of caution and to make sure that everyone is safe. Some testing on the fruit and vegetables being grown in the community garden area is scheduled to take place soon as part of the overall risk assessment.

Would you advise people to test themselves for health issues associated with exposure?

Current data does not suggest over exposure to the contaminants, but the City will make information available to the community on where they can go to get tested.

The proposed \$50 reimbursement to community gardeners will not do. Gardeners spend lots of money and time on plants and growing the vegetables and fruit. Personal experience reflects additional time and expenses that are worth at least \$300.

Staff will meet with the Community Gardeners in approximately three weeks, on July 20th (location yet to be determined). Staff will be looking at the cost and how much they can refund people for the cost associated with their garden plots. The City recognizes that \$50 is not enough and will be examining how much they can reimburse gardeners without requiring receipts.

Chuck Hagenmeir, a resident, stated that he has lots of personal stake in the park. Chuck lives adjacent to the park, helped plant trees in the park and volunteers for Our City Forest, has three dogs that he takes to the dog park often, and uses the park often. Chuck expressed disappointment that the map does not show the probable extent of the dump site, and that he is surprised that PCBs were found in the garden area if the dump stopped being used in the 1930's. This was a major dump site for the area. There is a lot of local history that is available verbally from community members and the City should utilize the community to help determine what was dumped there and how far the dump extended. There was a lot of trash and debris brought here, and some people have said that debris from the San Francisco Earthquake and Fire was brought here after 1906. If the dump site has a two foot barrier that was placed on the site, that is a large enough project that there should be records or documentation available showing a public works project.

Chuck is requesting that more actual data be made available to the community. Will the dog park stay open?

The City of San Jose doesn't know the current extent of the site. The dump site was an informal dump most likely used by most local farmers in the area. Current data that the State and local agencies have does not show how far out the dump extended. Data on the testing is available online through the entire report. The Dog Park will remain open for now.

Signs of PCB exposure can be as small as not having a toenail. The City should make resource information available on how to get tested.

The City will make information available to the community on where they can go to get tested as soon as it is available.

Is there any reason why we can't start to treat the soil now? Especially the area with the PCBs? The web shows a number of local companies that can do this work and offer to do it quickly.

PCBs were only detected at one site. The City is taking this seriously and will do additional testing but whether additional PCBs are present is not known. The City can examine cleaning up different portions of the park but will need to check with the State DTSC.

How much information is available online? Why didn't the City let gardeners know sooner? The website should include as much data as possible. The extent of the dump site should be noted in the signage placed around the park. It was difficult to find the results using a general search on the City website. It is suggested that the City make it so that when a person searches on the site on their front page that the results can return the information.

The full report is available online at the website noted earlier (above in these meeting notes). The most recent testing will also be posted as soon as possible. Additional testing results will be posted as soon as they become known. The community was notified of the initial report and testing results through the community meeting that took place on May 25th. Staff will pass the search results suggestion on to the City's website team.

Will the Community Center be closed?

No. The community center is currently scheduled to remain open. The Day Camp was the only activity moved because so much of their program involves being outside and using outdoor equipment.

It was suggested that volunteer blood tests be offered at the July 20th gardeners meeting to gardeners and their families. If traces of lead and PCBS are not found, the results can help drive next steps and suggest how long they should close the gardens.

Julian, a community gardener, stated that many of the community gardeners came from Mexico and are now citizens. They have rights just like everyone else. Julian wants to see that Vice Mayor Chavez and other City Officials are as open and honest as possible about what is going on. There are lots of seniors and others who work hard at the gardens and use it for their main food source of fresh vegetables. They should be given priority when finding new plots. These people have worked the land for years and it doesn't feel right that they are now essentially being kicked off the garden plots with little or no thanks being given for all the hard work they put into it.

Who can we contact with follow up questions?

Two phone numbers are listed on the Question and Answers sheet provided: PRNS can be reached at 277-2466 or the Office of Vice Mayor Chavez at 408.277.5231. Questions regarding community garden plots can be directed to Manny Perez at 277.5208.

ⁱ These meeting notes are meant to be a reflection of the community meeting held and the discussions that took place during the meeting. In some cases, information brought up at the meeting may be subjective and/ or requiring validation. Please refer to Questions and Answers and Fact Sheets on this topic, or contact a staff person listed above to help answer any questions you may have.